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November 20, 2008

**VIA COURIER**

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination &  
Legal Administration  
Federal Election Commission  
999 E Street, N W  
Washington, D C 20463

Re MUR 6080  
The Clarion Fund, Inc  
Aish HaTorah International

Dear Mr. Jordan

This response, including attached exhibits, is submitted on behalf of The Clarion Fund, Inc ("Clarion") and Aish HaTorah International ("Aish") in response to a complaint filed by the Council on American-Islamic Relations ("CAIR") on September 26, 2008 with regard to the distribution of a documentary entitled *Obsession Radical Islam's War Against the West* ("Obsession" or "the documentary") in September 2008. The essence of the CAIR complaint, apparently, is that Clarion and/or Aish, by distributing DVDs of the documentary as paid advertising supplements in newspapers and by direct mail, somehow violated 2 U S C § 441b(a) and/or 2 U S C § 441e(a) by making an expenditure to support the election of John McCain to

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COLUMBUS  
65 East Gay St.  
PO Box 1808  
Columbus, OH 43216-1808  
614 464 6100

CLEVELAND  
1376 East Ninth St.  
2100 One Cleveland Center  
Cleveland, OH 44114 1724  
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221 East Fourth St.  
Suite 2000, Atrium Two  
PO Box 6836  
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277 South Washington St.  
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703 697 8800

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100 South Main St.  
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Akron, OH 44308  
330 808 1000

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the office of President of the United States. For the reasons set forth below, the Federal Election Commission ("FEC" or "the Commission") should activate this case and dismiss the CAIR's frivolous complaint after determining that there is no reason to believe that either Clarion or Aish committed any violation of 2 U.S.C. § 441b(a) or 2 U.S.C. § 441e(a).

### **The CAIR Complaint**

It is difficult to discern an intelligible legal argument in the one-and-a-half page CAIR complaint. The complaint consists largely of quotes from newspaper articles in which various (frequently unnamed) political analysts speculate that the distribution of the documentary in September 2008 was "politically motivated" and "designed to benefit a particular presidential candidate, namely Sen. John McCain." CAIR Complaint at 1. There is, however, one simple devastating fact that the CAIR complaint ignores: the documentary does not refer, in any way, to Senator John McCain or the 2008 presidential election. Indeed, the documentary does not refer in any way to any federal candidate or any federal election. The documentary, which was produced in 2005 and released in 2006, long before the 2008 election cycle, is a serious examination of the threat that radical Islamic terrorists pose to the United States and Western civilization. It has absolutely nothing to do with the 2008 presidential election.

Despite this fatal flaw, the CAIR complaint then goes on to accuse Clarion of (1) making "contributions and expenditures in connection with a federal election" (2 U.S.C. § 441b(a)) and (2) "us[ing] contributions of foreign nationals in connection with a United States presidential election" (2 U.S.C. § 441e(a)). CAIR Complaint at 2.

The allegations against Clarion are based solely on Clarion's status as an incorporated public charity organized under 26 U.S.C. § 501(c)(3). CAIR Complaint at 2. The CAIR complaint provides no support whatsoever – because it cannot – that the documentary is a public

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communication subject to the jurisdiction of the Commission. If the documentary is not subject to the Commission's jurisdiction, then no contribution or expenditure could have occurred and Clarion cannot be found to have violated either 2 U.S.C. § 441b(a) or 2 U.S.C. § 441e(a).

The allegations against Aish are simply false. Aish did not provide any funding whatsoever to the Clarion Fund for the distribution of the documentary. The falsity of the allegation is demonstrated by flimsiness of the CAIR's allegation. The CAIR complaint simply alleges that funding for the distribution of *Obsession* "may have originated from Israel-based Aish HaTorah International." CAIR Complaint at 2 (emphasis added). CAIR provides no documentation whatsoever to directly support this very serious allegation. The best CAIR can do is to allege, based on unnamed "sources," that Raphael Shore, the producer of the documentary, is or was an employee of Aish HaTorah International. CAIR Complaint at 2. While Mr. Shore is an employee of Aish HaTorah International, that fact does not in any way support CAIR's naked allegation that Aish provided the funding to Clarion for the September 2008 distribution of *Obsession*. CAIR Complaint at 2.

CAIR's speculative and unsubstantiated allegations against Aish do not satisfy even the minimal pleading requirements for complaints under the Commission's regulations. Those regulations state specifically that a "complaint should differentiate between statements based on personal knowledge and statements based upon information and belief." 11 C.F.R. § 111.4(c). In addition, "[s]tatements which are not based on personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainant's belief in the truth of such statements." 11 C.F.R. § 111.4(d)(2). The CAIR's allegations against Aish make no effort to differentiate between statements based on personal knowledge and statements based on information and belief. More importantly, CAIR fails to identify a single source of information that would support CAIR's belief that Aish provided funding to Clarion for the distribution of *Obsession*. Clearly, CAIR's allegations against Aish violate the pleading

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requirements of 11 C.F.R. §§ 111.4(c)&(d)(2) and the Commission should dismiss the allegations against Aish on that basis alone.

If, however, the Commission opts to overlook the serious deficiencies in CAIR's allegations against Aish, it may not then proceed to find reason to believe that Aish violated either 2 U.S.C. § 441b(a) or 2 U.S.C. § 441e(a) unless it first determines that the documentary is a public communication subject to the Commission's jurisdiction. If the documentary is not subject to the Commission's jurisdiction, then no contribution or expenditure could have occurred and Aish cannot be found to have violated either 2 U.S.C. § 441b(a) or 2 U.S.C. § 441e(a).

**Statement of Facts**

The Clarion Fund, Inc. is a non-profit, non-partisan organization organized as a public charity under 26 U.S.C. § 501(c)(3) in 2006. Clarion is an independent organization and does not accept funding from the U.S. Government, political institutions or foreign organizations. Clarion's mission is to educate the American public about issues of national security, particularly the threat posed to the United States by radical Islam. Clarion carries out its mission by producing and distributing documentary films, online education through its websites and grassroots efforts on college campuses. See generally [www.clarionfund.org](http://www.clarionfund.org), [www.radicalislam.org](http://www.radicalislam.org) and [www.ObessionTheMovie.com](http://www.ObessionTheMovie.com).

In September 2008, to coincide with the seventh anniversary of the terrorist attacks of 9/11, Clarion distributed twenty-eight million DVDs of the documentary *Obsession* as a paid advertising supplement in more than seventy newspapers across the country and by direct mail. Neither the documentary itself nor the written materials that accompanied it refer in any way to any candidate running for any federal office in 2008. The DVD is attached as Exhibit

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**A The written materials that accompanied the DVD in the paid advertising supplement are attached as Exhibit B**

**Aish HaTorah International is a New York City-based Jewish educational and social organization established under 26 U S C § 501(c)(3) in 2002 Aish HaTorah International is one of twenty-six branches of Aish HaTorah, a non-profit, apolitical network of Jewish educational centers headquartered in the Old City of Jerusalem See generally www aish com Neither Aish HaTorah International nor Aish HaTorah provided any funding to The Clarion Fund for the September 2008 distribution of *Obsession***

**The Council on American-Islamic Relations describes itself as is a non-profit grassroots civil rights and advocacy group organized under 26 U S C § 501(c)(3) in 1994 See generally www cair com CAIR objects to the depiction of Muslims in *Obsession* Since the distribution of the documentary in September, CAIR has mounted a public relations campaign to discredit the film by falsely claiming that its distribution was secretly financed by an Israeli organization "seeking to help Sen John McCain win the U S Presidential election " See CAIR Press Release dated September 23, 2008 attached as Exhibit C In addition to the complaint in MUR 6080, CAIR has filed a similarly baseless complaint with the Internal Revenue Service seeking to revoke the tax-exempt status of The Clarion Fund See CAIR Press Release dated September 30, 2008 attached as Exhibit D Since September, CAIR has used the existence of the pending FEC and IRS complaints to intimidate individuals and groups who had previously endorsed *Obsession* See, e g, CAIR Press Release dated October 5, 2008 attached as Exhibit E CAIR continued to issue press releases falsely claiming that The Clarion Fund was seeking to influence the presidential election right up to the week before election day See CAIR Press Release dated October 28, 2008 attached as Exhibit F Exhibits C through F are also available on the CAIR website at http //www cair com/PressCenter/PressReleases.aspx**

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### **Legal Arguments**

There is simply no basis in law for the Commission to find reason to believe that either Clarion or Aish violated either 2 U.S.C. § 441b(a) or 2 U.S.C. § 441e(a). The CAIR complaint, like one of Sheherazade's tales in *One Thousand and One Arabian Nights*, is contingent on the Commission finding that the documentary somehow "magically" compelled viewers to vote for John McCain for President in the 2008 general election despite the fact that the documentary does not refer in any way to either John McCain or the 2008 presidential election.

The Federal Election Campaign Act ("FECA") of 1971, as amended, 2 U.S.C. §§ 431 through 455, does not give the Commission the authority to regulate *any* public communication that *might conceivably* have an impact on a federal election. Instead, the Commission's jurisdiction is limited to regulating two well-defined categories of public communications: (1) independent expenditures for communications that expressly advocate the election or defeat of a clearly identified candidate for federal office (2 U.S.C. § 431(17)) and (2) electioneering communications (2 U.S.C. § 434(f)). The documentary simply does not meet the statutory definition of either an independent expenditure or an electioneering communication.

### **The Documentary Does Not Constitute An Independent Expenditure**

Corporations and foreign nationals are prohibited from making independent expenditures in connection with a presidential election. 2 U.S.C. §§ 441b(a) and 441e(a)(1)(C). FECA defines the term "independent expenditure" to mean an expenditure by a person expressly advocating the election or defeat of a clearly identified federal candidate that is not made in concert or cooperation with or at the suggestion of a candidate, party or agent. 2 U.S.C. § 431(17), 11 C.F.R. § 100.16. A candidate is "clearly identified" for FECA purposes if (1) the name or nickname of the candidate appears, (2) a photograph or drawing of the candidate

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appears, or (3) the identity of the candidate is apparent by unambiguous reference 2 U.S.C. § 431(18), 11 C.F.R. § 100.17. Commission regulations specify that an unambiguous reference to a candidate includes references to the individual, such as "the President," "your Congressman," or "the incumbent," as well as references to the individual's status as a candidate such as "the Republican presidential nominee" or "the Democratic candidate for the Senate in Illinois." 11 C.F.R. § 100.17.

The Commission's regulations state that express advocacy also exists if a communication uses phrases such as "vote for the President," "re-elect your Congressman," or "Smith for Congress," or uses words or campaign slogans which in context can have no other reasonable meaning than to urge the election or defeat of a clearly identified candidate, such as posters, bumper stickers, or advertisements that say "Nixon's the One," "Carter '76," "Reagan/Bush" or "Mondale!" 11 C.F.R. § 100.22(a). Under the Commission's regulations, express advocacy also exists if a communication, when taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing express advocacy because (1) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning, and (2) reasonable minds could not differ as to whether it encourages actions to elect or defeat a clearly identified candidate or encourages some other kind of action. 11 C.F.R. § 100.22(b).

*Obsession* does not constitute an independent expenditure because it does not refer to a clearly identified federal candidate and does not contain express advocacy. Nowhere in the documentary or the written materials that accompanied it is there any reference whatsoever to John McCain or, for that matter, any other candidate for federal office. See Exhibits A and B. Not surprisingly, since there is no reference to a federal candidate in the documentary, there is no language that would meet the Commission's definition of express advocacy under either 11 C.F.R. §§ 100.22(a) or 100.22(b). See, e.g., MURs 5474 and 5539, First General Counsel's

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Report at 17-18 ("While [the documentary] *Fahrenheit 9/11* contains a great deal of political content and criticism, and leaves no doubt about [the director's] discontent with the policies and practices of the Bush Administration, the film does not expressly advocate the defeat of President Bush or the election or defeat of any other clearly identified candidate ")

**The Documentary Does Not Constitute an Electioneering Communication**

Corporations and foreign nationals are prohibited from making or financing electioneering communications in connection with a presidential election 2 U S C §§ 441b(b)(2) and 441e(a)(1)(C) For purposes of presidential elections, FECA defines the term "electioneering communication" as any (1) broadcast, cable, or satellite communication, which (2) refers to a clearly identified candidate for Federal office, and (3) is publicly distributed within 60 days before a general election or 30 days before a primary election 2 U S C § 434(f)(3)(A)(i), 11 C F R § 100 29(a)

Commission regulations define the term "broadcast, cable, or satellite communication" to mean a communication that is publicly distributed by a television station, radio station, cable television system, or satellite system 11 C F R § 100 29(b)(1) Similarly, the term "publicly distributed" is defined to mean aired, broadcast, cablecast or otherwise disseminated through the facilities of a television station, radio station, cable television system, or satellite system 11 C F R § 100 29(b)(3)(i) Finally, the term "refers to a clearly identified candidate" means that the candidate's name, nickname, photograph or drawing appears, or the identity of the candidate is otherwise apparent through an unambiguous reference such as "the President," "your Congressman," or "the incumbent," or through an unambiguous reference to the individual's status as a candidate such as "the Republican presidential nominee" or "the Democratic candidate for Senate in Illinois " 11 C F R § 100 29(b)(2)

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In Federal Election Commission v. Wisconsin Right to Life (WRTL II), \_\_\_ U.S. \_\_\_, 127 S.Ct. 2652, 2664 (2007), the Supreme Court held that the prohibition on corporate financing of electioneering communications in 2 U.S.C. § 441b(b)(2) was constitutional only as applied to communications that contained express advocacy or its functional equivalent. The Court went on to hold that a communication "is the functional equivalent of express advocacy only if the [communication] is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate." *Id.* at 2667. The Court then found that the advertisements in the case before it were not the functional equivalent of express advocacy because they "focus on a legislative issue, take a position on the issue, exhort the public to adopt that position, and urge the public to contact public officials with respect to the matter." *Id.* Moreover, the Court found that the advertisements lacked indicia of express advocacy. They did not "mention an election, candidacy, political party, or challenger, and they [did] not take a position on a candidate's character, qualifications, or fitness for office." *Id.*

*Obsession* does not constitute an electioneering communication because it fails to satisfy two of the three prongs of the statutory definition of an electioneering communication. Moreover, even if the documentary did satisfy the statutory definition, it would not qualify as an electioneering communication because it meets the test for genuine issue advocacy established by the Supreme Court in WRTL II.

The very first requirement of the statutory definition of an electioneering communication is that it must be a broadcast, cable or satellite communication. 2 U.S.C. § 434(f)(3)(A)(i), 11 C.F.R. § 100.29(a). *Obsession*, however, was distributed to the general public as a paid advertising supplement in newspapers and by direct mail. Accordingly, the documentary does not constitute an electioneering communication. See, e.g., MURS 5474 and 5539, First General Counsel's Report at 9-10 ("The [documentary *Fahrenheit 9/11*], theatrical trailers, and websites

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identified in the complaints do not satisfy the definition of 'electioneering communication' because they were not distributed by broadcast, cable or satellite by any of the respondents")

In addition, the documentary does not qualify as an electioneering communication because it does not refer, in any way, to a clearly identified candidate for federal office 2 U S C § 434(f)(3)(A)(i)(I), 11 C F R § 100.29(b)(2). John McCain's name or nickname is never mentioned in the film and it does not contain any photographs, video or drawings of him. Nor does the documentary contain any unambiguous references to either John McCain or his status as a candidate for president for the simple reason that the film was produced in 2005, well before John McCain declared his intention to run for President of the United States in 2008.

There is no basis for the Commission to conclude that *Obsession* meets the statutory definition of an electioneering communication. Even if it did, the Commission could not constitutionally penalize Clarion for a violation of 2 U S C § 441b(b)(2) as that provision has been interpreted by the Supreme Court in WRITL II. There is no reasonable interpretation of *Obsession* as anything other than what it appears to be on its face: a documentary regarding the issue of radical Islamic terrorism and the threat it poses to the United States and Western civilization. *Obsession* is pure issue speech under the test established by the Supreme Court in WRITL II. It has all of the indicia of issue advocacy and none of the indicia of express advocacy.

At the conclusion of *Obsession*, viewers see the following message on the screen immediately before the credits: "You can make a difference. Take a Stand. Get involved at [www.ObsessionTheMovie.com](http://www.ObsessionTheMovie.com)." Visitors to that website can click on a link to a separate webpage entitled "Take Action." That webpage provides visitors with advice on how they can raise awareness about the threat of radical Islam. Suggested activities include, among others, writing letters to the editors of newspapers about the threat of radical Islam, organizing letter writing campaigns to elected officials raising awareness of radical Islam, distributing

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information, hosting discussions, and organizing presentations on college campuses to inform people about the issue of radical Islam [www.obsessionthemovie.com/action\\_activism.php](http://www.obsessionthemovie.com/action_activism.php)

*Obsession* fits squarely within the Court's definition of genuine issue advocacy. It "focuses on a[n] issue, take[s] a position on the issue, exhort[s] the public to adopt that position, and urge[s] the public to contact public officials with respect to the matter." WRITL II, 127 S. Ct. at 6667. Moreover, the documentary lacks any of the Court's indicia of express advocacy. It does not "mention an election, candidacy, political party, or challenger" and it does not "take a position on a candidate's character, qualifications, or fitness for office." *Id.*

Because *Obsession* does not meet the statutory definition of an electioneering communication and clearly does satisfy the Supreme Court's test for genuine issue advocacy, the Commission is precluded from finding that there is reason to believe that either Clarion or Aish committed any violation of either 2 U.S.C. § 441b(a) or 2 U.S.C. § 441e(a). See generally MURs 5474 and 5539 (Dog Eat Dog Films, Inc. and Michael Moore).

### Conclusion

There is no basis in law or fact for the Commission to find reason to believe that either Clarion or Aish committed any violation of either 2 U.S.C. § 441b(a) or 2 U.S.C. § 441e(a).

The CAIR's allegation that Clarion and Aish violated 2 U.S.C. § 441e(a) because Aish "may have" provided funding for the September 2008 distribution of *Obsession* is simply false. It is clear that CAIR included this baseless allegation in its complaint to the FEC for the sole purpose of attempting to discredit *Obsession* because CAIR objects to the content of the documentary. The Commission should not allow itself to be used by the CAIR in a despicable effort to chill the First Amendment rights of The Clarion Fund by imposing on the charity the costs of defending itself from multiple baseless government investigations.

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Similarly, the CAIR's allegation that Clarion and/or Aish violated 2 U S C § 441b(a) is utterly without merit. As the Commission held in MURs 5474 and 5539 (Dog Eat Dog Films, Inc. and Michael Moore), a corporation's use of corporate funds to distribute a documentary constitutes a violation of 2 U S C § 441b(a) only if the documentary meets the statutory definition of either an independent expenditure or an electioneering communication. For all of the reasons discussed above, *Obsession* clearly cannot be found to be either an independent expenditure or an electioneering communication. That should have been obvious to the CAIR because anyone who actually views the documentary would know that it does not refer, in any way, to John McCain or the 2008 presidential election. The fact that the CAIR chose to make this allegation when it was clearly baseless only demonstrates that the complaint in this case was filed solely for purposes of harassment.

The Commission should respond to this blatant attempt to chill the First Amendment rights of Clarion and Aish by quickly activating this case and dismissing the CAIR's frivolous complaint after determining that there is no reason to believe that either Clarion or Aish committed any violation of 2 U S C § 441b(a) or 2 U S C § 441e(a).

Sincerely,



Brett G Kappel  
Counsel for The Clarion Fund, Inc  
and Aish HaTorah International

Enclosures

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**EXHIBIT B**

... one of  
the most  
powerful,  
expertly  
crafted and  
undeniably  
important  
films  
I've seen  
this year...

**RADICAL ISLAND**

WINNER  
BEST FEATURE FILM  
2005 LIBERTY  
FILM FESTIVAL

SPECIAL JURY AWARD  
HOUSTON WOMENIST  
2005 INTERNATIONAL  
FILM FESTIVAL

OFFICIAL SELECTION  
NEWPORT BEACH  
FILM FESTIVAL  
2006

**AS SEEN ON CNN AND FOX NEWS**  
**BY MORE THAN 20 MILLION VIEWERS WORLDWIDE**

... required  
viewing for  
everyone.

# NOISE

**The threat of nuclear holocaust is the most important issue facing us today. But it's not the only one. There are other, equally important issues. And the media are discussing them all. That's why we need your help. That's why the presidential candidates, not the media, are discussing them. It's our responsibility to ensure we can all make an informed vote in November.**

# HOW CAN YOU HELP FIGHT RADI'CAL ISLAM?

# GET WOUNDED

Watch this DVD today and discover the chilling truth behind  
political assassinations.

## Get Involved

Now the move to YouTube and friends and raise awareness in your community

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Go to [www.radioclassic.org](http://www.radioclassic.org) for sweepstakes and sign up for our newsletter.

# CONQUEST

Make your deductible donation at [www.claremont.org](http://www.claremont.org) or call 951.780.1100. Help us in our efforts.

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**EXHIBIT C**

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**CAIR Asks FEC to Probe Anti-Muslim DVDs Sent to Swing States**  
(WASHINGTON, D C , 9/23/08) - A prominent national Islamic civil rights and advocacy group today announced that it has filed a complaint with the Federal Election Commission (FEC) over the distribution of an anti-Muslim film to 28 million homes in presidential election swing states

The Washington-based Council on American-Islamic Relations (CAIR) is urging the FEC to investigate whether the Clarion Fund, a shadowy non-profit organization that distributed DVDs containing "Obsession Radical Islam's War Against the West," is really a front for an Israel-based group seeking to help Sen. John McCain win the U.S. presidential election (No information about a board of directors, staff or even a physical address is offered on the fund's website )

In its complaint to the FEC, CAIR wrote in part

"The Clarion Fund recently financed the distribution of some 28 million DVDs containing the film 'Obsession Radical Islam's War Against the West' in what many political analysts describe as 'swing' states in the upcoming presidential elections. Those same analysts say the distribution of the 'Obsession' DVD was designed to benefit a particular presidential candidate, namely Sen. John McCain

"According to the website for the Secretary of State for New York, Clarion Fund Inc. is incorporated in New York as a Delaware based foreign not-for-profit corporation. According to the Delaware Department of Corporations, Robert (Rabbi Raphael) Shore, Rabbi Henry Harris and Rebecca Kabat incorporated Clarion Fund. All three of whom are reported to serve as employees of Aish HaTorah International, an organization apparently based in Israel. Also according to the Delaware Department of Corporations, the incorporators of the Clarion Fund used Aish HaTorah's New York City address (150 West 46th Street, New York) to incorporate Clarion Fund in Delaware

"It appears that the funding for the production, marketing and distribution of 'Obsession' may have originated from Israel-based Aish HaTorah International."

To read the entire FEC complaint, click [here](#)

There is at least one report of a person who received the DVD also getting an automated phone call asking that person to watch the film and then "keep it in mind when you go to the voting booth "

"American voters deserve to know whether they are the targets of a multi-million-dollar campaign funded and directed by a foreign group seeking to whip up anti-Muslim hysteria as a way to influence the outcome of our presidential election," said CAIR Executive Director Nihad Awad

Awad said CAIR has received numerous complaints from those who were sent the DVD in newspapers delivered to their homes and has recorded at least one report of an anti-Muslim bias incident directly resulting from the DVD distribution

**SEE Ohio Muslims Fearful After DVD Released in Newspapers**

Some newspapers, including the *News & Record* in North Carolina and the *St. Louis Post-Dispatch*, have refused to distribute the DVDs

**SEE Post-Dispatch Refuses to Distribute DVD Offensive to American Muslims**

Interfaith leaders such as Rev. Dr. C. Welton Gaddy, president of the Interfaith Alliance, have spoken

-

out against the distribution of "Obsession" in swing states. In a statement, Gaddy also called for an FEC investigation. "...when a cynical attempt is made to influence our nation's presidential election by stoking fear of one religious group we believe the media along with public officials, such as the Federal Election Commission, must establish who is trying to influence our politics through religious bigotry."

**SEE Statement of Rev. Welton Gaddy On the Distribution of the Anti-Muslim Film "Obsession" in Newspapers**

An editorial in the *Palm Beach Post* outlined the apparent political motivation behind the Clarion Fund campaign:

"Distribution of the DVD was timed with the post-Labor Day start of presidential election season. About 95 percent of the papers that contained the DVD are in Florida, Pennsylvania, Ohio, Michigan, Wisconsin, Iowa, Colorado, New Mexico, Nevada and New Hampshire."

"Notice a pattern? Right, those are the swing states that most analysts believe will determine the election. The issue on which polls consistently show John McCain ahead of Barack Obama is national security. One way to make voters worry less about the economy and more about national security would be to send out a DVD that opens with clips of 9/11 and includes scenes of Muslims chanting 'Death to America!'"

**SEE The Secret Cell Helping McCain (Palm Beach Post)**

**SEE ALSO Anti-Islam Film Targets 'Swing State' (IPS)**

Editorial and letter writers nationwide have called the film "propaganda" and even compared it to Leni Riefenstahl's 1935 pro-Nazi film "Triumph of the Will." One writer called it "misleading and dangerous." (Broward-Palm Beach New Times, 9/20/08)

**SEE Putting Lipstick on Propaganda Doesn't Change It (NWF Daily News)**

Jeff VanDenBerg, director of Middle East Studies at Drury University, called the film "a blatant piece of anti-Muslim propaganda." (News-Leader, 9/17/08)

Those interviewed in "Obsession" constitute a veritable who's who of Muslim-bashers. Speakers include Walid Shoebat, who once told a Missouri newspaper that he sees "many parallels between the Antichrist and Islam" and "Islam is not the religion of God -- Islam is the devil." (Springfield News-Leader, 9/24/07)

Others interviewed in the film include Nonie Darwish, a self-styled "former Moslem" who wrote that "Islam is cruel, anti-women, anti-religious freedom and anti-personal freedom in general," and Daniel Pipes, who warned a Jewish convention of the "true dangers" posed by "the presence, and increased stature, and affluence, and enfranchisement of American Muslims." (American Jewish Congress, 10/21/2001)

Another "Obsession" interviewee, Brigitte Gabriel, told the *Australian Jewish News*: "Every practising Muslim is a radical Muslim." She also claimed that "Islamofascism is a politically-correct word. It's the vehicle for Islam. Islam is the problem."

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**SEE The World According to Brigitte Gabriel (Australian Jewish News)**

**When asked whether Americans should "resist Muslims who want to seek political office in this nation," Gabriel said**

**"Absolutely If a Muslim who has -- who is -- a practicing Muslim who believes the word of the Koran to be the word of Allah, who abides by Islam, who goes to mosque and prays every Friday, who prays five times a day -- this practicing Muslim, who believes in the teachings of the Koran, cannot be a loyal citizen to the United States of America."**

**SEE 'Obsession' Stars Have Lectured at U S Military Colleges**

**CAIR, America's largest Islamic civil liberties group, has 35 offices and chapters nationwide and in Canada. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.**

**- END -**

**CONTACT CAIR National Communications Director Ibrahim Hooper, 202-488-8787 or 202-744-7726, E-Mail [ihopper@cair.com](mailto:ihopper@cair.com), CAIR Communications Coordinator Amina Rubin, 202-488-8787, E-Mail [arubin@cair.com](mailto:arubin@cair.com)**



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**EXHIBIT D**

**CAIR Asks IRS to Probe Group Behind Swing State Anti-Muslim DVDs**  
(WASHINGTON, D C , 9/30/08) - A prominent national Islamic civil rights and advocacy group today said it has asked the IRS to investigate whether the non-profit organization behind distribution of an anti-Muslim film to 28 million homes in presidential election swing states has violated laws governing its tax-exempt status

The Washington-based Council on American-Islamic Relations (CAIR) is urging the IRS to find out if the Clarion Fund, a shadowy non-profit group distributing DVDs of "Obsession Radical Islam's War Against the West," is being "operated exclusively for the exempt purpose of educating 'Americans about issues of national security'" as it claims

In a letter to Steven T. Miller, commissioner of the IRS's Tax Exempt and Government Entities Division, CAIR wrote in part

"[I]ndependent observers have suggested that the distribution of the DVD was an obvious attempt by the Clarion Fund to participate in campaign activities and intervene in the 2008 presidential election "

The letter quoted the editorial page editor of the Palm Beach Post, who wrote "Last week, an ad for John McCain came with The Post. But it wasn't labeled as an ad for John McCain. Distribution of the DVD, whose producers say it will 'change the way you look at the world,' was timed with the post-Labor Day start of presidential election season. About 95 percent of the papers that contained the DVD are in Florida, Pennsylvania, Ohio, Michigan, Wisconsin, Iowa, Colorado, New Mexico, Nevada and New Hampshire "

CAIR asked the IRS, if evidence of wrongdoing is uncovered, to consider stripping the Clarion Fund of its tax-exempt status, tax funds it spent on prohibited activities and impose an injunction on further political expenditures

"A non-profit group's tax-exempt status should not be misused to promote political candidates or to influence the outcome of an election," said CAIR Executive Director Nihad Awad

Awad noted that even those involved in the production and promotion of "Obsession" are now having second thoughts about backing what the vast majority of commentators are calling anti-Muslim "propaganda "

The Endowment for Middle East Truth (EMET), a pro-Israel think tank, pulled out of "The Obsession Project" after CAIR filed an FEC complaint seeking an investigation the Clarion Fund's possible violations of election laws

**SEE EMET Pulls Out of Involvement with "Obsession Project" (JTA)**

**SEE ALSO CAIR Asks FEC to Probe Anti-Muslim DVDs Sent to Swing States**

Dr. Khaleel Mohammed, a Muslim interviewee for "Obsession," now calls the production a "vile piece of propaganda." In a statement sent to the [www.obsessionwithhate.com](http://www.obsessionwithhate.com) website, Dr. Mohammed said "Sadly, it would seem that I have allowed myself to be used "

The "Obsession with Hate" site was launched recently by the Hate Hurts America Multifaith Community Coalition (HHA), a group of religious and civic organizations seeking to challenge hate speech in our society. HHA's site offers a point-by-point rebuttal to propagandistic claims made in the

film, as well as a list of newspapers that delivered the film's DVD as an insert, a sampling of bigoted statements made by anti-Muslim figures interviewed for "Obsession," and examples of the overwhelmingly negative media coverage of the Clarion Fund's controversial campaign to influence voters

A recent article in the St. Petersburg Times revealed ties between the film's distributors and the Israel-based group Aish HaTorah. The newspaper's investigative report stated "Clarion's address, according to Manhattan directory assistance, is the same address as Aish HaTorah International, a fundraising arm of Aish HaTorah. The Clarion Fund and Aish HaTorah International are also connected to a group called HonestReporting, which produced Obsession. HonestReporting's 2006 tax return uses the same address."

**SEE Senders of Islam Movie 'Obsession' Tied to Jewish Charity**

Those interviewed in "Obsession" constitute a veritable who's who of Muslim-bashers. Speakers include Wahd Shoebat, who once told a Missouri newspaper that he sees "many parallels between the Antichrist and Islam" and "Islam is not the religion of God – Islam is the devil" (Springfield News-Leader, 9/24/07).

Others interviewed in the film include Nonie Darwish, a self-styled "former Moslem" who wrote that "Islam is cruel, anti-women, anti-religious freedom and anti-personal freedom in general," and Daniel Pipes, who warned a Jewish convention of the "true dangers" posed by "the presence, and increased stature, and affluence, and enfranchisement of American Muslims" (American Jewish Congress, 10/21/2001).

Another "Obsession" interviewee, Brigitte Gabriel, told the Australian Jewish News "Every practising Muslim is a radical Muslim." She also claimed that "Islamofascism is a politically-correct word – it's the vehicle for Islam. Islam is the problem."

**SEE The World According to Brigitte Gabriel (Australian Jewish News)**

When asked whether Americans should "resist Muslims who want to seek political office in this nation," Gabriel said:

"Absolutely. If a Muslim who has – who is – a practicing Muslim who believes the word of the Koran to be the word of Allah, who abides by Islam, who goes to mosque and prays every Friday, who prays five times a day – this practicing Muslim, who believes in the teachings of the Koran, cannot be a loyal citizen to the United States of America."

**SEE 'Obsession' Stars Have Lectured at U.S. Military Colleges**

CAIR, America's largest Islamic civil liberties group, has 35 offices and chapters nationwide and in Canada. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

- END -

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**EXHIBIT E**



**Fox '24' Producer Pulls Endorsement of Anti-Muslim Film**

(WASHINGTON, D.C., 10/5/08) - A prominent national Islamic civil rights and advocacy group announced today that Howard Gordon, the executive producer of Fox's television drama "24," has withdrawn his endorsement of the anti-Muslim film "Obsession," which is currently being distributed to some 28 million households in presidential election swing states by a shadowy non-profit organization called the Clarion Fund

The Washington-based Council on American-Islamic Relations (CAIR) released a statement by Gordon in which he said

*"After being contacted by a number of people whose opinions I respect and after reviewing Obsession with their criticisms and concerns in mind, I have asked the film makers to remove my endorsement from the Obsession website and from any future promotional materials. While I remain committed to the film's essential message - that the hate-mongering promoted by radical Islamism presents a real threat to western values of tolerance and pluralism - I also appreciate that the goal of co-existence and tolerance is not being served by films like Obsession."*

CAIR welcomed Gordon's statement and noted that others are withdrawing their support for the film that many commentators have called anti-Muslim "propaganda."

"We commend Mr. Gordon for recognizing the harm caused to our society by intentionally inflammatory and divisive films such as 'Obsession,'" said CAIR Executive Director Nihad Awad. "As public outrage grows over this hate-filled production, people of conscience are spontaneously withdrawing their support."

He said newspapers that distributed copies of the "Obsession: Radical Islam's War Against the West" DVD have received an outpouring of negative feedback from readers of all faiths. A number of newspapers refused to carry the DVD as an insert and there have been reports of anti-Muslim bias related to the film's distribution.

In Ohio, a public school bus driver who also takes children to an Islamic school reported that other bus drivers were talking about the DVD and asked him how he could transport "those people."

SEE Newspapers Get Complaints for DVD Ad On Muslims (AP)

SEE ALSO DVD's Makers Used Newspapers to Spread Hatred (Columbus Dispatch)

Awad said that even a pro-Israel think tank, the Endowment for Middle East Truth (EMET), pulled out of "The Obsession Project."

SEE Think Tank Quits 'Obsession Project' (JTA)

Dr. Khaleel Mohammed, a Muslim interviewee for "Obsession," now calls the production a "vile piece of propaganda." In a statement sent to the [www.obsessionwithhate.com](http://www.obsessionwithhate.com) website, Dr. Mohammed said "Sadly, it would seem that I have allowed myself to be used."

SEE Statement of Dr. Khaleel Mohammed

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HHA's site offers a point-by-point rebuttal to propagandistic claims made in the film, as well as a list of newspapers that delivered the film's DVD as an insert, a sampling of bigoted statements made by anti-Muslim figures interviewed for "Obsession," and examples of the overwhelmingly negative media coverage of the Clarion Fund's controversial campaign to influence voters

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SEE [Senders of Islam Movie 'Obsession' Tied to Jewish Charity](#) (St. Petersburg Times)

Based on these revelations and on the Clarion fund's apparent attempt to use its non-profit status to impact the presidential election in favor of a particular candidate, CAIR filed complaints with both the Federal Election Commission (FEC) and the Internal Revenue Service (IRS)

SEE [The Secret Cell Helping McCain](#) (Palm Beach Post)

SEE ALSO [Anti-Islam Film Targets 'Swing State' Voters](#) (IPS)

CAIR asked the IRS, if evidence of wrongdoing is uncovered, to consider stripping the Clarion Fund of its tax-exempt status, tax funds it spent on prohibited activities and impose an injunction on further political expenditures

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**EXHIBIT F**

**CAIR: Foreign Group Again Linked to Anti-Muslim DVD Campaign**  
(WASHINGTON, D.C., 10/28/06) – A prominent national Islamic civil rights and advocacy group today renewed its call for Federal Election Commission (FEC) and Internal Revenue Service (IRS) investigations of an apparent attempt by a foreign-based group to influence the presidential election

The Council on American-Islamic Relations (CAIR) said another media report has linked the Israel-based group Aish HaTorah to the distribution of millions of anti-Muslim DVDs to voters in presidential election swing states and to key opinion leaders nationwide

An article in today's *St Louis Post-Dispatch* described an interfaith response to an effort led by an anti-Islam pastor to send the DVD "Obsession: Radical Islam's War Against the West" to hundreds of thousands of Christian and Jewish clergy nationwide

The Rev. O'Neal Dozier, pastor of the Worldwide Christian Center in Pompano Beach, Fla., refused to say who paid for the massive mailing, but admitted that the donor "had been in touch with officials from Aish HaTorah." Dozier also said, "I do believe that the religion of Islam...is a very dangerous and evil cult." ("Obsession" interviewees include those who have said "Islam is the devil" and who claim no "practicing Muslim" can be a "loyal citizen to the United States of America")

SEE Interfaith Partnership Rallies Behind Muslims Anxious About DVD (Post-Dispatch)

An earlier article in the *St Petersburg Times* revealed ties between the film's distributor, the Clarion Fund, and Aish HaTorah. The newspaper's investigative report stated "Clarion's address, according to Manhattan directory assistance, is the same address as Aish HaTorah International, a fundraising arm of Aish HaTorah. The Clarion Fund and Aish HaTorah International are also connected to a group called HonestReporting, which produced Obsession. HonestReporting's 2006 tax return uses the same address."

SEE Senders of Islam Movie 'Obsession' Tied to Jewish Charity (St Petersburg Times)  
VIDEO Israel-Based Group Behind Distribution of Anti-Muslim DVD (CNN)

A columnist for *The Atlantic* wrote that Aish HaTorah "operatives flourish in the radical belt of Jewish settlements just south of Nablus, in the northern West Bank."

SEE The Jewish Extremists Behind "Obsession"

CAIR has also learned that the "Obsession" DVD is being distributed to local public officials "throughout the country" by the Washington-based Ethics and Public Policy Center (EPPC). An EPPC letter accompanying the DVD tells the officials to "get informed. Before it's too late."

Based on these revelations and on the DVD distributor's apparent attempt to use its non-profit status to impact the presidential election in favor of a particular candidate, CAIR filed complaints with both the FEC and IRS.

CAIR also noted that even those who once backed "Obsession" are withdrawing their support for the film that many commentators have called anti-Muslim "propaganda." For example, the pro-Israel think tank the Endowment for Middle East Truth (EMET) pulled out of "The Obsession Project."

Howard Gordon, the executive producer of Fox's drama "24," withdrew his endorsement of the film because "the goal of co-existence and tolerance is not being served by films like Obsession."

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